

ORDINANCE NO. 26

SERIES 2020

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADDING CODE SECTION 2-5-100 PROVIDING FOR BAIL BOND VIOLATIONS AND PENALTIES FOR VIOLATION OF BAIL BONDS.

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado; and

WHEREAS, Section 7.2 of the Town Charter requires that there shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town and as may be conferred by law, which municipal court shall be presided over and its functions exercised by a judge appointed by the Town Council; and

WHEREAS, Section 2-5-20 of the Town Code similarly provides that the Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance; and

WHEREAS, the State of Colorado provides in C.R.S. Section 18-8-212 that a person who is released on bail bond of whatever kind, and either before, during, or after release is accused by complaint, information, indictment, or the filing of a delinquency petition of any felony or misdemeanor arising from the conduct for which he was arrested, commits a crime if he knowingly fails to appear for trial or other proceedings in the case in which the bail bond was filed or if he knowingly violates the conditions of the bail bond; and

WHEREAS, at the request of the Town's Municipal Court Judge and the Town Attorney, the Town Council has considered and finds that the adoption of a similar law as part of the Town Code would benefit the health, safety, and general welfare of the citizens of the Town and the Town's Municipal Court.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Adding Subsection 2-5-100, Violation of Bail Bond Conditions.

Sec. 2-5-100 Violations of Bail Bond Conditions.

- (a) A person who is released on bail bond of whatever kind, and either before, during, or after release is accused by complaint, information, indictment, or the filing of a delinquency petition of any violation of the Town Code arising from the conduct for which he was arrested or received a summons, commits a misdemeanor if he knowingly fails to

appear for trial or other proceedings in the case in which the bail bond was filed or if he knowingly violates the conditions of the bail bond.

(b) A person who is convicted of violating bail bond conditions shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of one (1) year, or such other penalty as may be imposed under Section 1-4-20 of the Town Code.

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 5th DAY OF October, 2020.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19th DAY OF October, 2020.

TOWN OF CRESTED BUTTE, COLORADO

By: _____

James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

